

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WESLEY RUSSELL, SR.,

Petitioner,

No. CIV S-04-2244 FCD GGH P

vs.

CHARLES PLUMMER, et al.,

Respondents.

ORDER

By order filed on March 30, 2005, respondent was directed to file proof of having served, within fifteen (15) days, the January 31, 2005 motion to dismiss petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2254 at the following address, apparently petitioner's current location:

Wesley Russell  
P 10876 E-139  
Deuel Vocational Institute  
P.O. Box 600  
Tracy, CA 94378-0600

Respondent has failed to file proof of service of the pending motion to dismiss. Respondent must show cause, within ten (10) days, why the undersigned should not vacate the motion to dismiss from the court's calendar.

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1 IT IS SO ORDERED.

2 DATED: 5/18/05

3 /s/ Gregory G. Hollows

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5 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

6 GGH:009  
7 russ2244.osc